

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, SEPTEMBER 18, 2000
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING	4
ITEM-1: ROLL CALL	5
ITEM-10: INVOCATION	5
ITEM-20: PLEDGE OF ALLEGIANCE	5
ITEM-30: Approval of Council Minutes	5
ITEM-31: Cabrillo Festival Week	6
ITEM-32: Code Enforcement Week	7
ITEM-33: William Jones Day	7
ITEM-34: Navajo Bobby Sox Day	8
NON-AGENDA COMMENT	8
COUNCIL COMMENT	11
* ITEM-50: <u>Four</u> actions related	11
* ITEM-51: Amendment of the Airport Environs Overlay Zone, and Application of the Overlay Zone To Areas Surrounding Lindbergh Field	13
* ITEM-100: Reappointments to the Board of Zoning Appeals	14
* ITEM-101: Appointments and Reappointments to the Historical Resources Board.	14
* ITEM-102: Excusing Mayor Golding from the Council Meetings of August 7 & 8, 2000. ..	15
* ITEM-103: Sarah Woolridge Dorn Day	16

Minutes of Monday, September 18, 2000
Table of Contents

Page 2

* ITEM-104: Study of Traffic Flow and Safety at Highway-Rail Grade Crossings	16
* ITEM-105: Office Space Lease - Asian Business Association	18
* ITEM-106: Second Amendment to the Consultant Agreement for Carmel Valley Road Enhancement Project	19
* ITEM-107: Amendment to Lease - Padre Dam Municipal Water District - Cowles Mountain	20
* ITEM-108: Consultant Agreement with RBF Consulting for Catalina Water Pump Station	22
* ITEM-109: Ninth Amendment, Agreement for Use of the Tijuana Emergency Connection	23
* ITEM-110: Lease - Air Adventures Skydiving - Otay Lakes	25
ITEM-200: Arroyo Sorrento Road Cost Reimbursement District	26
ITEM-201: Contract for Police Officers at Poway Unified School District	28
ITEM-202: First Amendment to Agreement with Engineering and Research International, Inc. (ERI) for Testing and Evaluating Utility Patches on Pavements in San Diego	29
ITEM-203: Street Vacation of a Portion of Pacific Center Court	31
ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement	32
ITEM-S400: Filling the Vacancy in Council District 5 by Appointment	32
* ITEM-S401: National Pollution Prevention Week (September 18-24, 2000)	34
ITEM-S402: <u>Two</u> actions related to Del Mar Terraces Utility Undergrounding	35
ITEM-S403: Contract Default of Pacific Alliance Contractors, Inc., on the Water and Sewer Group 520, Bid No. K-99217C	36

Minutes of Monday, September 18, 2000
Table of Contents

Page 3

ITEM-S404: Contract Default of Pacific Alliance Contractors, Inc., on the Construction of Sewer & Water Group 620, Bid No. K-99216C	38
ITEM-S405: Contract Default of Pacific Alliance Contractors, Inc., on the Construction of Sewer Group 626, Bid No. K-99236C	40
ITEM-S406: Contract Default of Pacific Alliance Contractors, Inc., on the Sewer and Water Main Replacement Group 637, Bid No. K-99224C	41
ITEM-S407: San Diego Goes Back to School Day	43
NON-DOCKET ITEMS	44
ADJOURNMENT	44

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Mathis at 2:10 p.m. Mayor Golding adjourned the meeting at 5:55 p.m. into Closed Session at 9:00 a.m. on Tuesday, September 19, 2000, in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Blair-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Fishkin (pr)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding- not present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Vacant
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Dr. Richard Freeman of the United Church of Christ.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Kehoe.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

- 8/21/2000 Adjourned
- 8/22/2000 Adjourned
- 8/28/2000 Adjourned
- 8/29/2000 Adjourned

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, September 18, 2000**

Page 6

9/04/2000 Adjourned

9/05/2000 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A039-040.)

MOTION BY KEHOE TO APPROVE. Second by Wear. Passed by the following vote:
Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-present.

ITEM-31: Cabrillo Festival Week.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-159) ADOPTED AS RESOLUTION R-293820

Proclaiming the week of September 24 - October 1, 2000 to be "Cabrillo Festival Week" in the City of San Diego and all San Diegans are urged to join in the commemoration of this historic event.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A257-344.)

MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed by the following vote:
Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32: Code Enforcement Week.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-158) ADOPTED AS RESOLUTION R-293821

Proclaiming the week of September 18-23, 2000 to be "Code Enforcement Week" in the City of San Diego and recognizing the accomplishments and proactive involvement of all code enforcement personnel, volunteers and community groups.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A444-536.)

MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-33: William Jones Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-387) ADOPTED AS RESOLUTION R-293822

Recognizing the outstanding contributions of William Jones to improve the quality of life for the citizens of San Diego through his government, community and volunteer service;

Proclaiming September 18, 2000 to be "William Jones Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A051-159.)

MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed by the following vote:
Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-34: Navajo Bobby Sox Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-337) ADOPTED AS RESOLUTION R-293823

Proclaiming September 18, 2000 to be "Navajo Bobby Sox Day" in San Diego,
and urging all San Diegans to join in honoring this team for their success and
accomplishments.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A161-251.)

MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed by the following vote:
Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding taxes, and that there is no legal obligation to
take taxes out of employees wages.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B017- 040.)

PUBLIC COMMENT-2:

Comment by Ethel Murphy regarding DeAnza Cove, that she feels it is a nice place to live, and that the State of California actually owns the land with the City managing it.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B043-079.)

PUBLIC COMMENT-3:

Comment by Leo Lang regarding a "Journey to a De Anza Cove Compromise" between the City and the current residents of De Anza.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B082-105.)

PUBLIC COMMENT-4: **REFERRED TO PS&NS**

Comment by James Lambert regarding books in the library that he feels are clearly child pornography. Mr. Lambert referenced Section 311.3 of the California Penal Code regarding the issue.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B106-154.)

PUBLIC COMMENT-5:

Comment by Ron Boshun regarding the City Council, prayers at the meetings, and his feelings on that subject.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B156-177.)

PUBLIC COMMENT-6:

Comment by Tanya Fleener regarding the use of marijuana for medicinal purposes, and her feeling that the City of San Diego is violating their rights.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B180-196.)

PUBLIC COMMENT-7:

Comment by Tami Carrew regarding Medical I.D. cards for the use of marijuana for medical purposes. Ms. Carrew passed out copies of Medical I.D. cards she had prepared as samples for each Council Member and the City Manager.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B196-218.)

PUBLIC COMMENT-8:

Comment by Shelley Ruzich regarding San Diego libraries, and books that inappropriately feature nude pictures of children. Ms. Ruzich requested the matter be docketed for discussion.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B219-233.)

PUBLIC COMMENT-9:

Comment by Peter Ray regarding Saint Vincent de Paul, and that he had been attacked there by Security Guards.

Council Member Vargas stated that the Police Department found nothing regarding this case, and that the San Diego Human Relations Committee took up the issue, but then dropped it as well.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B241-270; B276-289.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Mathis wished to recognize and welcome Delegates from Russia; Mr. Yuriy Goloskokov, Mr. Sergey Gnitsevich, Mr. Sergey Ponamerenko, and their Interpreter Ms. Natalya Yefilmova to the City Council Meeting.

Mayor Golding also extended her welcome wishing them a good stay in San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B004-010; B011-116.)

* ITEM-50: Four actions related to Waste Delivery Agreement/Solid Waste Collection Franchise System.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 7/31/2000. (Council voted 9-0):

Subitem-A: (O-2001-11) ADOPTED AS ORDINANCE O-18848 (New Series)

Amending Chapter VI, Article 6, Division 1, of the San Diego Municipal Code by amending Section 66.0102, 66.0118, and 66.0120 to establish a Two Tier Non-Exclusive Solid Waste Collection Franchise System.

Subitem-B: (O-2001-12) ADOPTED AS ORDINANCE O-18849 (New Series)

Granting Class I or Class II Solid Waste Collection Franchises to specified companies and authorizing the City Manager to execute Franchise Agreements with those companies.

NOTE: 6 votes required for Subitem B pursuant to Section 103 of the City Charter.

Subitem-C: (O-2001-13) ADOPTED AS ORDINANCE O-18850 (New Series)

Authorizing the City Manager to execute Long Term Waste Disposal Agreements with specified Franchised Solid Waste Collection companies.

NOTE: 6 votes required for Subitem C pursuant to Section 99 of the City Charter.

Subitem-D: (O-2001-14) ADOPTED AS ORDINANCE O-18851 (New Series)

Authorizing the City Manager to amend the Long Term Waste Delivery Agreement with Edco Disposal Corporation to make that agreement more consistent with the Standard Waste Delivery Agreement.

NOTE: 6 votes required for Subitem D pursuant to Section 99 of the City Charter.

FILE LOCATION: SUBITEMS A, B, C, & D: MEET

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-51: Amendment of the Airport Environs Overlay Zone, and Application of the Overlay Zone To Areas Surrounding Lindbergh Field.

(Districts-2, 3, 4, & 8.)

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances in subitems A and B that were introduced on 7/18/2000. (Council voted 9-0):

Subitem-A: (O-2000-126 Cor. Copy) CONTINUED TO OCTOBER 2, 2000

Amending the Airport Environs Overlay Zone (Municipal Code Sections 132.0301, 132.0302, 132.0303, 132.0306, 132.0308, and 132.0309).

Subitem-B: (O-2000-129 Cor. Copy) CONTINUED TO OCTOBER 2, 2000

Applying the Airport Environs Overlay Zone to properties surrounding Lindbergh Field (Zone Map Drawing C-885, Version A, reflecting the 1999 contours).

FILE LOCATION: SUBITEMS A & B: NONE

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO CONTINUE THIS ITEM TO OCTOBER 2, 2000 AT THE REQUEST OF McMILLIAN NTC TO RESOLVE DISAGREEMENTS BETWEEN THE CITY AND THE PORT DISTRICT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100: Reappointments to the Board of Zoning Appeals.

(See memorandum from Mayor Golding dated September 1, 2000.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-368) ADOPTED AS RESOLUTION R-293824

Council confirmation of the following reappointments by the Mayor to serve as members of the Board of Zoning Appeals, for terms ending March 1, 2002:

James M. Magot
Jay Wharton
Daniel R. Smith

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO CONFIRM THE REAPPOINTMENTS.
Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present,
Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea,
Mayor Golding-yea.

* ITEM-101: Appointments and Reappointments to the Historical Resources Board.

(See memorandum from Mayor Golding dated September 1, 2000 with resumes attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-367 Cor. Copy) ADOPTED AS RESOLUTION R-293825

Council confirmation of the following appointments by the Mayor to serve as members of the Historical Resources Board, for terms ending as indicated:

Reappointments

Homer Delawie	March 1, 2002
Marsha Sewell	March 1, 2002
Caryl Iseman	March 1, 2002
Paul L. Bishop	March 1, 2002
Harold Riley, Jr.	March 1, 2002
Jeffrey L. Sykes	March 1, 2002

Term Ending

Appointments

Jan Percival Lipscomb (replacing Ione Stiegler, whose term has expired)	March 1, 2002
--	---------------

Lloyd A. Schwartz (replacing Vonn Marie May, whose term has expired)	March 1, 2001
---	---------------

Delores McNeely (replacing Gil Johnson, who has resigned)	March 1, 2001
--	---------------

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO CONFIRM THE REAPPOINTMENTS AND APPOINTMENTS. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102: Excusing Mayor Golding from the Council Meetings of August 7 & 8, 2000.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-275) ADOPTED AS RESOLUTION R-293826

Excusing Mayor Susan Golding from attending the regularly scheduled Council meetings of August 7 and 8, 2000.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-103: Sarah Woolridge Dorn Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-365) ADOPTED AS RESOLUTION R-293827

Saluting Sarah Woolridge Dorn on her 102nd Birthday;

Proclaiming September 16, 2000 to be "Sarah Woolridge Dorn Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104: Study of Traffic Flow and Safety at Highway-Rail Grade Crossings.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-332) ADOPTED AS RESOLUTION R-293828

Authorizing the City Manager to apply for State Transportation Improvement Program (STIP) funds;

Authorizing the City Manager to apply for Federal Congestion Mitigation and Air Quality (CMAQ) funds;

Authorizing the City Manager to accept Program Supplement No. 153-M to hire consultant services to conduct a study of traffic flow and safety at highway-rail grade crossings;

Authorizing the appropriation and expenditure of \$88,530 of CMAQ and \$11,470 of STIP funds for this purpose;

Adding CIP-63-050.0, Study of Traffic Flow and Safety at Highway-Rail Grade Crossings to the FY 2000 Capital Improvements Program;

Authorizing the appropriation and expenditure of \$100,000 in CIP-63-050.0, Study of Traffic Flow and Safety at Highway-Rail Grade Crossings, \$88,530 from CMAQ Program (Fund No. 38682) and \$11,470 from STIP (Fund No. 38975).

CITY MANAGER SUPPORTING INFORMATION:

This action provides for applying, appropriating and expending Congestion Mitigation and Air Quality (CMAQ) and State Transportation Improvement Program (STIP) funds for the purpose of hiring consultant services to study traffic flow and safety at highway-rail grade crossings. It also adds this project to the FY 2000 CIP and authorizes appropriation and expenditure in CIP. The purpose of this study includes: Analyzing traffic conditions at highway-rail grade crossings to identify problems areas where traffic flow and safety could be improved; researching and evaluation relevant efforts of other agencies; reviewing applicable requirements; developing recommendations to mitigate rail operational impacts to traffic flow and safety; providing cost estimates for each recommendation; and researching, evaluating and testing applicable traffic signal software.

FISCAL IMPACTS:

The total cost of this project is \$100,000, of which \$88,530 is reimbursable by federal CMAQ grant, and \$11,470 is reimbursable by STIP grant.

Belock/Gonzalez/AH

Aud. Cert. 2100249.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105: Office Space Lease - Asian Business Association.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-366) ADOPTED AS RESOLUTION R-293829

Authorizing the City Manager to execute an office space lease with the Asian Business Association, for a leasehold area of 376 square feet, at the base rent of \$432.40 per month.

CITY MANAGER SUPPORTING INFORMATION:

The Asian Business Association has been leasing space from the City in the World Trade Center Building, located at 1250 Sixth Avenue, Suite 208, since March 11, 1996. The tenant is expanding and relocating to Suites 902, 903, 904 consisting of approximately 376 square feet.

The basic terms and conditions of the lease are as follows:

TERM - For one (1) year commencing August 1, 2000 and terminating July 31, 2001. Tenant has the option to extend the lease for two (2) additional one (1) year periods.

RENT - \$1.15 per square foot or \$432.40 per month. Rent is increased 6 percent each one-year extension period.

USE - General office usage.

SIZE - 376 square feet.

FISCAL IMPACT:

\$5,188.80 will be deposited into the General Fund 100 for the first year of the agreement.

Loveland/Griffith/DLM/DCM

FILE LOCATION: LEAS-Asian Business Association

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106: Second Amendment to the Consultant Agreement for Carmel Valley Road Enhancement Project.

(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-344) ADOPTED AS RESOLUTION R-293830

Authorizing the City Manager to execute the second amendment to agreement with BRW Engineering Company to provide professional services for additional design and environmental document preparation for the Carmel Valley Road Enhancement Project;

Authorizing the expenditure of an amount not to exceed \$200,000 from CIP-52-517.0, Carmel Valley Road - 300 feet east of Portofino to Del Mar, TransNet Fund No. 30300.

CITY MANAGER SUPPORTING INFORMATION:

CIP-52-517.0, Carmel Valley Road - 300 feet east of Portofino to Del Mar City Limits, provides for street and drainage improvements to Carmel Valley Road. The original Agreement for

\$250,000 provided for Consultant services to develop and coordinate a Community/Agency Task Force. This task force met numerous times to discuss and resolve environmental and community issues. The task force came to a final consensus as to the needed improvements to Carmel Valley Road on July 19, 2000. The First Amendment for \$300,000 provided funds to prepare the environmental technical studies, prepare the environmental impact report, and additional design option work. This Second Amendment to the original Consultant Agreement with BRW, Inc. provides funds for the completion and processing of the environmental documents and additional design work to Carmel Valley Road, as provided for in the Task Force's Final Recommendation Report.

FISCAL IMPACT:

With this Amendment, the total Consultant compensation will be increased from \$550,000 to \$750,000. The additional funding is available in CIP-52-517.0, Carmel Valley Road - 300 feet east of Portofino to Del Mar, TransNet Fund 30300.

Belock/Boekamp/HR

Aud. Cert. 2100243.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107: Amendment to Lease - Padre Dam Municipal Water District - Cowles Mountain.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-335) CONTINUED TO OCTOBER 23, 2000

Authorizing the City Manager to execute a First Amendment to Lease Agreement with the County and the Padre Dam Municipal Water District.

CITY MANAGER SUPPORTING INFORMATION:

Cowles Mountain is currently operated under a joint powers agreement between the City and County of San Diego. This radio repeating station is an important part of the District's radio system used to remotely monitor and control the District's public water and sewer facilities.

This amendment is to extend the term of the lease from its original three (3)-year term to ten (10) years, which commenced March 6, 1997. If approved, the new termination date will be March 5, 2007.

Basic terms of the Agreement are as follows:

USE - Operate and maintain a telecommunication facility consisting of antennas, power and radio equipment, and cabling.

TERM - Ten (10) years

RENT - Currently \$12,733.27 (\$1,061.11 per month) with annual CPI adjustments. This value is consistent with a recent outside appraisal dated August 2000.

FISCAL IMPACT:

The City will receive \$12,733.27 with annual increases. Rental proceeds generated will be credited to the Mission Trails Regional Park Fund.

Loveland/Griffith/JPA

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO CONTINUE THIS ITEM TO OCTOBER 23, 2000 AT THE REQUEST OF COUNCIL MEMBER McCARTY TO ALLOW THIS ISSUE TO BE DISCUSSED IN THE CITIZEN ADVISORY COMMITTEE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108: Consultant Agreement with RBF Consulting for Catalina Water Pump Station.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-298) ADOPTED AS RESOLUTION R-293831

Authorizing the City Manager to execute an agreement with RBF Consulting to provide design and construction support services for the Catalina Pump Station;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$486,155 from Water Revenue Fund 41500, CIP-73-263.0, Annual Allocation Water Pump Station Restoration - Upgrade;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Catalina Pump Station is located on Catalina Boulevard south of Verona Street in the community of Point Loma. The existing Catalina Pump Station was completed in March of 1979 replacing the original pump station built in the mid 1950's. The existing pumps are comprised of four 150 horsepower, vertical turbine pumps, each with a capacity of 2000 gallons per minute. The new Catalina Pump Station will ensure an adequate supply of water to community residents and sustain pressure and flow demands within the 462 Zone under high demand conditions or when the Catalina Standpipe is out of service. In addition, this replacement pump station will provide a more reliable and efficient facility that will save in electrical and maintenance costs. The pump station will consist of four new energy efficient pumps and motors, new state of the art electrical and telemetry equipment, and construction of an architecturally designed building consistent with the aesthetic preferences of the surrounding community. The new pumps will be comprised of 175-200 horsepower, vertical turbine pumps rated for 2,300 gallons per minute at 240 feet total discharge head. The Catalina Standpipe, located nearby, is scheduled to be rehabilitated in three years. Given the reliance on the Standpipe to feed the 462 Zone, the scheduled shut down of the Standpipe will take place following completion of the Catalina Pump Station.

Six engineering firms were interviewed and RBF Consulting was determined to be the most qualified firm for this project. This agreement with RBF Consulting will provide design and technical support during construction of a new Catalina Pump Station located adjacent to the existing facility.

FISCAL IMPACT:

Funding for the engineering consultant and related in-house engineering costs are available from the Water Fund 41500, CIP-73-263.0, Annual Allocation Water Pump Station Restoration.

Belock/Gardner/EF

Aud. Cert. 2100276.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION AND TO DIRECT STAFF AS REQUESTED BY COUNCIL MEMBER WEAR TO WORK WITH THE PARK AND RECREATION STAFF, AND THE FIRE DEPARTMENT STAFF TO COORDINATE THE EFFORTS OF THREE DIFFERENT DEPARTMENTS CONVERGING ON ONE SITE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-109: Ninth Amendment, Agreement for Use of the Tijuana Emergency Connection.

(San Ysidro and Tijuana River Valley Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-360) ADOPTED AS RESOLUTION R-293832

Authorizing the City Manager to execute a Ninth Amendment to the Memorandum of Agreement of July 22, 1991, with the United States

International Boundary & Water Commission, for use by Tijuana, Mexico, of the emergency connection to the City's metropolitan sewerage system.

CITY MANAGER SUPPORTING INFORMATION:

In 1990, the City agreed to treat up to 13 million gallons per day (mgd) of Tijuana sewage in the City's Metropolitan Wastewater System (Metro) as an interim solution to the border sanitation problem, until the International Treatment Facilities were constructed. The City entered into an agreement with the International Boundary and Water Commission (IBWC) on July 22, 1991 to treat Tijuana sewage. Since October 1991, the City has conveyed Tijuana sewage through the emergency connection to the Metro system for treatment. The existing agreement expires on September 30, 2000. This Ninth Amendment will extend the agreement until September 30, 2001. Although phase I of the International Treatment Plant, which came on line in May 1997, and the South Bay Ocean Outfall, which was completed in December 1998, can process and dispose of up to 25 mgd, Tijuana flows continue to need to be conveyed to the Metro system for disposal on an as-needed basis. At times the volume of sewage requiring treatment exceeds the volume of the International Treatment plant and this excess volume must be diverted to the Metro system. Also, there are times when the plant's treatment process must be interrupted, requiring a diversion of flow to the emergency connection.

FISCAL IMPACT:

In federal fiscal year 2001, the IBWC will be charged a rate of \$343.78 per million gallon of flow, plus \$122.81 per thousand pounds of Total Suspended Solids and \$48.15 per thousand pounds of Chemical Oxygen Demand for treatment of Tijuana sewage. They will also be charged a monthly fee of \$255 for the maintenance of the Event Notification System installed on the South Metro Interceptor to ensure that there is available capacity in the Metro system. Based on a flow rate of 13 mgd for 6.3 days per month, the estimated cost to treat Tijuana sewage is \$835,000 per year for federal fiscal year 2001 with a not-to-exceed amount of \$1,000,000. If the costs exceed this amount and the IBWC is unable to reimburse the City, the City has the option to terminate this agreement with the IBWC.

Belock/Schlesinger/DG

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110: Lease - Air Adventures Skydiving - Otay Lakes.

(See City Manager Report CMR-99-215. Otay Lakes Community Area.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2001-336) ADOPTED AS RESOLUTION R-293833

Authorizing the City Manager to execute a ten-year Flat Rate Lease with Air Adventures.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/3/99, NR&C voted 5-0 to approve the City Manager's recommendation to enter into exclusive lease negotiations with Air Adventures Skydiving, Inc. (Councilmembers Mathis, Kehoe, Warden, Stallings, and McCarty voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

On November 3, 1999, the Natural Resources and Culture Committee approved exclusive negotiations for the renewal of a lease with Air Adventures Skydiving, Inc., for approximately 40 acres in the Otay Lakes area. Since negotiations began, 15.9 acres have been deleted to protect wetland areas near Otay Lakes. The basic terms of the lease are:

ACREAGE - 24.1 acres

USE - Conducting skydiving and ultralight aviation activities.

TERM - 10 years with three 5 -year options at the City's discretion.

ANNUAL RENT - \$16,800 per year based on staff appraisal with CPI increases every year. The terms were negotiated as a result of the reduction of the original 100+ acre lease.

The proposed lease reflects the City's updated lease provisions, including payment for water, water rights and a Resource Management Plan.

FISCAL IMPACT:

Annual rent of \$16,800 will be deposited into Water Department Fund 41500.

Loveland/Griffith/JAB

FILE LOCATION: LEAS-Air Adventures Skydiving - Otay Lakes

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200: Arroyo Sorrento Road Cost Reimbursement District.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-372) ADOPTED AS RESOLUTION R-293834

Authorizing the initiation of proceedings for the formation of a Cost Reimbursement District for Arroyo Sorrento Road;

Authorizing the City Manager to execute a Formation Cost Agreement with Torrey Pines Homebuilding Company, LLC;

Authorizing the City Auditor and Comptroller to establish interest bearing funds for formation (fund 72024) and monitoring (fund 720241) of the Arroyo Sorrento Road Cost Reimbursement District;

Authorizing the City Manager to execute a consultant agreement with William A. Steen & Associates, in the amount of \$35,500, to provide cost reimbursement engineering services;

Accepting a cash advance in the amount of \$55,500 from Torrey Pines Homebuilding Company, LLC and authorizing the appropriation and expenditure of funds to pay for consultant services in the amount of \$35,500 and for City administrative costs of \$20,000.

CITY MANAGER SUPPORTING INFORMATION:

In 1992, the City Council adopted the Cost Reimbursement District Procedural Ordinance (O-17725). This ordinance provides developers who are required to construct certain public improvements above and beyond what is normally required to support their development, a mechanism to seek reimbursement from other benefitting property owners. Torrey Pines Homebuilding Company, LLC submitted an application requesting that the City initiate proceedings for the formation of the Arroyo Sorrento Road Cost Reimbursement District (CRD). The public improvements for which the developer is seeking reimbursement include surface improvements and underground utility construction for a portion of Arroyo Sorrento Road. Upon initiation of the CRD, William A. Steen & Associates (engineering consultant) will evaluate the improvements to determine their eligibility for reimbursement. City staff and the engineering consultant will also meet with property owners potentially affected by the proposed establishment of the CRD. The purpose will be to: provide information regarding the developer's application for the CRD; describe the improvements proposed for inclusion in the CRD; explain the methods used by the engineer for spreading costs; and describe the process for creating the proposed CRD. A public hearing will follow and all affected property owners will be noticed prior to the hearing. If the CRD is established at the public hearing, a lien will be recorded against the land of the affected property owners, based upon benefit, in order to pay the costs of these improvements. All liens would be payable upon recordation of a final map or issuance of a building permit. In general, payment shall not be required for building permits having a total improvement value of \$20,000 or less. Permits for modifications or additions to existing single family homes are not subject to liens.

FISCAL IMPACT:

None. The developer will advance \$20,000 for City administrative services. Also, an additional \$35,500 will be advanced upon approval of the Formation Agreement, for the payment of Engineering Consultant services.

Loveland/Haase/GIL

Aud. Cert. 2100283.

FILE LOCATION: STRT-CR-28 (50)

COUNCIL ACTION: (Tape location: E495-F160.)

MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-present, Mayor Golding-yea.

ITEM-201: Contract for Police Officers at Poway Unified School District.

(Districts-1 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-357) ADOPTED AS RESOLUTION R-293835

Authorizing the City Manager to execute one agreement with the Poway Unified School District, to provide a San Diego Police Juvenile Services Team officer with primary responsibility to provide police services at the District's five secondary schools located in the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

In past years, crime and violence have increased within our public schools. School districts and law enforcement officials continue to work as partners to ensure the safety of all school children. Poway Unified School District has five secondary schools located within the City limits. The City currently provides one Juvenile Services Team officer for these schools. Poway Unified School District wishes to contract for an additional Juvenile Services police officer.

General conditions of the agreement are:

- 1)The City provides an additional Juvenile Services Team officer to provide a uniformed presence in and around school campuses.
- 2)The City will be reimbursed for half the cost of providing a POII plus supervision and the pro-rated equipment cost.

3)The City agrees to furnish normal police equipment and vehicle.

4)The City agrees the officer will develop presentations, attend meetings, continue community work, and provide pro-active enforcement during regular school hours.

5)This contract is for the remainder of Fiscal Year 2001 with an option to renew for an additional three (3) years.

FISCAL IMPACT:

The City's reimbursement from Poway Unified School District will be the pro-rated portion of \$54,341 based on the date of the agreement. This amount will be adjusted annually upon renewal.

Uberuaga/Bejarano/GD

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202: First Amendment to Agreement with Engineering and Research International, Inc. (ERI) for Testing and Evaluating Utility Patches on Pavements in San Diego.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-345) ADOPTED AS RESOLUTION R-293836

Authorizing the City Manager to execute the first amendment to consultant agreement with Engineering and Research International, Inc. (ERI), for additional professional services required to complete and present the study "Evaluation of Utility Cut Patching on Pavements in the City of San Diego";

Authorizing the expenditure of an amount not to exceed \$130,000 from the Street Division Operating Fund 10440.

CITY MANAGER SUPPORTING INFORMATION:

Engineering and Research International, Inc. (ERI) is a Pavement Management Solutions firm who performs pavement evaluations worldwide. On November 12, 1996, the City Manager executed an agreement with ERI for testing and evaluating the effects of utility cut patches on pavements in San Diego. The purpose of the study is to determine the reduction in pavement service life due to utility trench cuts. On September 24, 1999, Land Use & Housing Committee directed the City Manager to release the draft study for the review by all interested parties. This study was released and subsequently discussed with the Utility Companies and at the Utility Coordination Committee meetings. Due to the complexity of the project and in order to appropriately address the issues raised by Utility Companies, additional professional services were required. Points to be studied were selected throughout the city. Nondestructive testing was performed by ERI while destructive testing and traffic control was performed by city staff. Nondestructive testing consisted of a Pavement Condition Index (PCI) rating and Falling Weight Deflectometer (FWD) testing. Destructive testing consisted of coring the street at all the locations to be studied and extracting samples of the various pavement sections.

In order to be as thorough as possible and to have a complete report, a significant number of additional points from the four functional street classifications (Residential, Collector, Major, Arterial), the six different age groups (under 5, 5-10, 10-15, 15-20, 20-25, over 25 years old), and the various types of utilities, were selected for testing by ERI. In addition, during the presentations and meetings with the various Utility Companies, issues were raised that required preparation of two Addendum Reports, corresponding data analysis and additional presentations by ERI.

This action will authorize the expenditure of an additional sum not to exceed \$130,000.

FISCAL IMPACT:

This Amendment is proposed to be funded through Street Division Operating Funds in the amount not to exceed \$130,000.

Belock/Boekamp/JEN

Aud. Cert. 2100187.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203: Street Vacation of a Portion of Pacific Center Court.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-321) ADOPTED AS RESOLUTION R-293837

Vacating a portion of Pacific Center Court, as shown on Drawing No. 19123-B, and described in the legal description marked as Exhibit "A-1" and "A-2".

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of Pacific Center Court located in the Mira Mesa Community area within Council District 5. The portion of the street to be vacated is part of an old cul-de-sac that is no longer needed since Pacific Center Court has been extended northerly and a new cul-de-sac has been constructed at the end of the extension. The area to be vacated was acquired at no cost to the City. City staff recommends approval of the street abandonment.

FISCAL IMPACT:

None. All costs have been paid by the applicant.

Loveland/Haase/AA

FILE LOCATION: STRT-J-2914 (39)

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Lusk Mira Mesa Business Park East II
Unit No. 2 (Reparcelization)

AREA

Mira Mesa Community

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-S400: Filling the Vacancy in Council District 5 by Appointment.

(See City Clerk Report CCR-00-07.)

At the public hearing, each applicant shall be allowed three minutes to make a presentation to the City Council in support of the applicants candidacy for appointment. At the discretion of the presiding officer, City Council members may ask brief questions for clarification concerning either the presentation or matters contained in the application filed with the City Clerk. Applicants shall also be expected to answer questions from City Council members concerning their candidacy. Such questions may concern but need not be limited to the candidate's background, philosophy of government, reasons for seeking appointment, and opinions on relevant municipal issues.

At the conclusion of the public hearing or at a later meeting, the City Council may adopt a resolution appointing an applicant to fill the vacancy. The appointee will assume office immediately. The individual appointed to fill the vacancy is prohibited from seeking election to that office for the next term, and will serve until the current term ends on December 4, 2000.

CITY CLERK'S OFFICE RECOMMENDATION:

Adopt the following resolution:

(R-2001-327) ADOPTED AS RESOLUTION R-293838

Appointing one of the following candidates to the position of Council Member for Council District 5, to serve the remainder of the unexpired term of Barbara Warden, who has resigned, pursuant to the provisions of Section 12 of the Charter of the City of San Diego:

CANDIDATES

Thomas L. Behr
Philip C. Blair
Gail M. Cole
Thomas A. Daglish
Adam M. Karp
Leanne H. Kenney
Floyd L. Morrow

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B534-E490.)

The first ballot was taken, and Clerk Fishkin announced the tally for Round 1:
Behr-3; Blair-4; Daglish-1.

The second ballot was taken, and Clerk Fishkin announced the tally for Round 2:
Behr-3; Blair-4; Daglish-1.

The third ballot was taken, and Clerk Fishkin announced the tally for Round 3:
Behr-3; Blair-4; Daglish-1.

The fourth ballot was taken, and Clerk Fishkin announced the tally for Round 4:
Behr-3; Blair-5; Daglish-1.

Mayor Golding announced that only the two top candidates would be considered on the fifth Round.

The fifth ballot was taken, and Clerk Fishkin announced the tally for Round 5:
Behr-3; Blair-5.

MOTION BY WEAR TO CONFIRM THE APPOINTMENT OF PHIL BLAIR TO FILL THE VACANCY IN COUNCIL DISTRICT 5. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-S401: National Pollution Prevention Week (September 18-24, 2000).

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-416) ADOPTED AS RESOLUTION R-293839

Proclaiming September 18-24, 2000 to be "National Pollution Prevention Week" in the City of San Diego;

Recognizing the Border Waste Wi\$e program as a model for binational cooperation and as a cost-effective solution to increasing industrial environmental performance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S402: Two actions related to Del Mar Terraces Utility Undergrounding.

(Del Mar Community Area. District-1)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-413) ADOPTED AS RESOLUTION R-293840

Approving the appropriation of an amount not to exceed \$1,162,200 from Del Mar Terrace Assessment District (Fund 79735) for undergrounding the overhead utilities in the Del Mar Terrace area;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,162,200 from Del Mar Terrace Assessment District (Fund 79735) to CIP-37-028.0, Undergrounding of City Utilities for the Del Mar Terrace Utility Undergrounding Project;

Authorizing the expenditure of an amount not to exceed \$1,162,200 from CIP-37-028.0, Undergrounding of City Utilities.

Subitem-B: (R-2001-414) ADOPTED AS RESOLUTION R-293841

Certifying that Mitigated Negative Declaration LDR-40-0023 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto, that the declaration reflects the independent judgment of The City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of Del Mar Terraces Undergrounding;

Declaring that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by Council in order to mitigate or avoid significant effects on the environment.

CITY MANAGER SUPPORTING INFORMATION:

At the request of a group of residents in the Del Mar Terraces neighborhood, the City has assisted the property owners in their desire to underground the overhead utilities. Because this is a residential neighborhood, it does not satisfy Council Policy 600-8 or Public Utilities Commission rules to be included in the City's 8209/20A program. The property owners have formed a special assessment district where they have paid the estimated cost for undergrounding their utilities with special assessments levied and collected along with their annual property taxes.

The City Council has previously approved the 1913 Act assessment district and Boundary Map. The resolution of intention for the 1913 Act is No. R-291438. The construction bid opening for this project occurred on August 3, 2000. Sixteen bid packages were issued and four bids were received. The apparent low bidder is Pacifica Contracting Inc., for the amount of \$488,855.

The construction contract with Pacifica Contracting Inc. includes trenching in the street and the installation of conduits. In addition, there are separate contracts with each utility company to install the necessary cables, transformer equipment, street lights and removal of the overhead power poles. The cost for the utility company contract work is estimated to be \$452,172.

This action will increase the CIP budget and transfer the necessary funds from the Del Mar Terraces Undergrounding Assessment District to the CIP for the project costs.

FISCAL IMPACT:

The estimated total cost of this project is \$1,162,200. The City will be reimbursed the total cost for this project through the residents assessment for the Del Mar Terrace Assessment District (Fund 79735).

Belock/Boekamp/HR

Aud. Cert. 2100303.

FILE LOCATION: SUBITEMS A & B: STRT-D-2306 (31)

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S403: Contract Default of Pacific Alliance Contractors, Inc., on the Water and Sewer Group 520, Bid No. K-99217C.

(North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-433) ADOPTED AS RESOLUTION R-293842

Declaring Pacific Alliance Contractors, Inc., to be in default on their contract with the City of San Diego to perform on the Water & Sewer Group Job 520, Bid No. K-99217C;

Authorizing the City Manager to direct the surety for Pacific Alliance Contractors, Inc., to complete these projects, and authorizing the City Attorney to pursue recovery of all costs to the City due to this action.

CITY MANAGER SUPPORTING INFORMATION:

The Notice of Proceed for this project was issued on 9/22/99 for a total construction contract amount of \$1,682,529.26. The contract duration is 200 working days. Currently, approximately 96% of the work has been completed utilizing 231 working days. The Contractor has failed to complete execution of the work and ceased all construction activities. The remaining work to be completed includes, but is not limited to, the following:

1. Installation of twenty-five (25) pedestrian ramps (various locations).
2. Relocation of approximately twelve (12) existing historical concrete stamps (various locations).
3. Installation of Type F asphalt overlay on the concrete trench patch (various locations.)
4. Installation of approximately 399,023 sq. ft. of Rubberized Emulsion Aggregate Slurry (various locations.)
5. Permanent pavement striping (various locations.)
6. Installation of water meter boxes at various locations.
7. Submit As-Built construction drawings.
8. Correct any and all punch list items (to be prepared after walk-through.)
9. Complete repair work at Pic-N-Save store at the corner of Ray Street and University Ave.

Note: E&CP staff in coordination with Streets Division have secured the site and have taken temporary measures to fix any safety hazard on site.

On 8/21/00 Pacific Alliance ceased performing work on the site. On 8/22/2000, the City met with Pacific Alliance who asked for a few days to work out internal problems with their bonding company in an effort to complete the project. The City granted these few days, however, to date work has not commenced. On 8/30/00, per Section 6-4 of the Green Book, the City noticed Pacific Alliance to return to work or default proceedings would occur. The five day grace period for Pacific Alliance to return resulted in further non-responsiveness. Therefore, a letter dated 9/11/00 has been issued to Pacific Alliance with a copy to the bonding company, Continental Casualty Co. The bonding company has requested the San Diego City Council to officially declare the contract in default prior to their stepping in and taking over the project. Therefore, a formal default is hereby being requested.

Belock/Boekamp/AP

FILE LOCATION: CONT-Pacific Alliance Contractors, Inc.
Water & Sewer Group Job 520, Bid No. K-99217C

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION WITH DIRECTION TO THE CITY MANAGER AS REQUESTED BY MAYOR GOLDING TO ADDRESS SAFETY CONCERNS, AND TO MAKE SURE LARGE SIGNS ARE POSTED ON SITE TO ASSURE THAT MEMBERS OF THE PUBLIC UNDERSTAND WHAT IS GOING ON WITH THE PROJECT AND HOW LONG IT IS GOING TO LAST. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S404: Contract Default of Pacific Alliance Contractors, Inc., on the Construction of Sewer & Water Group 620, Bid No. K-99216C.

(Mission Hills Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-432) ADOPTED AS RESOLUTION R-293843

Declaring Pacific Alliance Contractors, Inc. to be in default on their contract with the City of San Diego to perform on the Sewer & Water Group Job 620, Bid No. K-99216C;

Authorizing the City Manager to direct the surety for Pacific Alliance Contractors, Inc., to complete the projects, and authorizing the City Attorney to pursue recovery of all costs to the City due to this action.

CITY MANAGER SUPPORTING INFORMATION:

The Notice of Proceed for this project was issued on 10/13/99 for a total construction contract amount of \$1,591,945.02. The contract duration is 200 working days. So far, 61% of the work has been completed utilizing 206 working days. As of August 21, 2000, Pacific Alliance Contractors ceased execution of this contract work. The remaining work to be completed includes, but is not limited to, the items listed on the City of San Diego's Demand for Compliance letter dated August 30, 2000 addressed to Continental Casualty Company and Pacific Alliance Contractors, Inc.

Note: E&CP staff in coordination with Streets Division staff have secured the site and have taken temporary measures to fix any safety hazard on site.

On 8/21/00, Pacific Alliance ceased performing work on the site. On 8/22/00, the City met with Pacific Alliance who asked for a few days to work with their bonding company in an effort to complete the project. The City granted these few days, however, to date work has not commenced. On 8/30/00, per Section 6-4 of the Green Book, the City noticed Pacific Alliance to return to work or default proceedings would occur. The five day grace period for Pacific Alliance to return resulted in further non-responsiveness. Therefore, a final letter dated 9/11/00 has been issued to Pacific Alliance with a copy to the bonding company, Continental Casualty Co.

The bonding company has requested the San Diego City Council to officially declare the contract in default prior to their stepping in and taking over the project. Therefore, a formal default is hereby being requested.

Belock/Boekamp/AP

FILE LOCATION: CONT-Pacific Alliance Contractors, Inc. Sewer & Water
Group Job 620, Bid No. K-99216C

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the
following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea,
District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S405: Contract Default of Pacific Alliance Contractors, Inc., on the Construction of
Sewer Group 626, Bid No. K-99236C.

(Valencia Park Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-434) ADOPTED AS RESOLUTION R-293844

Declaring Pacific Alliance Contractors Inc., to be in default on their contract with
the City of San Diego to perform on the Construction of Sewer Group 626, Bid
No. K-99236C;

Authorizing the City Manager to direct the surety for Pacific Alliance Contractors,
Inc., to complete these projects, and authorizing the City Attorney to pursue
recovery of all costs to the City due to this action.

CITY MANAGER SUPPORTING INFORMATION:

The Notice of Proceed for this project was issued on 9/14/99 for a total construction contract
amount of \$1,362,256.40. The Contractor duration is 250 working days. So far, 90 percent of
the work has been completed utilizing 235 working days. As of August 21, 2000, Pacific Alliance
Contractors, Inc., ceased execution of this contract work. The remaining work to be completed
includes, but is not limited to, the items listed on the City of San Diego's Demand for Compliance
letter dated August 30, 2000 addressed to Continental Casualty Company and Pacific Alliance
Contractors, Inc.

Note: E&CP staff in coordination with Streets Division staff have secured the site and have taken temporary measures to fix any safety hazard on site.

On 8/21/00, Pacific Alliance ceased performing work on the site. On 8/22/00, the City met with Pacific Alliance who asked for a few days to work out internal problems with their bonding company in an effort to complete the project. The City granted these few days, however, to date work has not commenced. On 8/30/00, per Section 6-4 of the Green Book, the City noticed Pacific Alliance to return to work or default proceedings would occur. The five day grace period for Pacific Alliance to return resulted in further non-responsiveness. Therefore, a letter dated 9/11/00 has been issued to Pacific Alliance with a copy to the bonding company, Continental Casualty Co.

The bonding company has requested the San Diego City Council to officially declare the contract in default prior to their stepping in and taking over the project. Therefore, a formal default is hereby being requested.

Belock/Boekamp/AP

FILE LOCATION: CONT-Pacific Alliance Contractors Inc. Sewer Group 626,
Bid No. K-99236C

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S406: Contract Default of Pacific Alliance Contractors, Inc., on the Sewer and Water Main Replacement Group 637, Bid No. K-99224C.

(Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-431) ADOPTED AS RESOLUTION R-293845

Declaring Pacific Alliance Contractors Inc., to be in default on their Contract with the City of San Diego to perform on the Construction of Sewer and Water Main Replacement Group 637, Bid No. K-99224C;

Authorizing the City Manager to direct the surety for Pacific Alliance Contractors, Inc., to complete these projects, and authorizing the City Attorney to pursue recovery of all costs to the City due to this action.

CITY MANAGER SUPPORTING INFORMATION:

The Notice to Proceed for the Construction of Sewer and Water Group 637 Project was issued on September 7, 1999, for the total construction Contract of \$1,154,234.65. The Contract duration is 186 working days. So far, approximately 85 percent of the work has been completed utilizing 241 working days. As of August 25, 2000, Pacific Alliance Contractors, Inc., ceased execution of this contract work. The remaining work to be completed includes, but is not limited to, the following:

1. Construct manholes #8 & #23A and install the sewer main, between Stations 1+11 to 2+00, drawing 29333-4-D.
2. Install 5,200 linear feet of trench restoration, and repair 1,000 square feet of concrete restoration at various locations.
3. Complete pressure and bacteriological testing of water main on Chatsworth Blvd. between Sta. 0+57.00 to 12+42.00.
4. Complete sewer lateral replumbs at 2228 Clove and 3530 Voltaire Streets.
5. Complete approximately 20,710 square feet of cold milling(various locations).
6. Install approximately 58,700 square feet of asphalt concrete overlay.
7. Complete approximately 129,240 square feet of asphalt emulsion slurry.
8. Restore traffic signal loops at Chatsworth Blvd., at Voltaire St, Nimitz Blvd., and Pointsettia Dr.
9. Mandrel test and Wayne ball all sewer mains, construction drawings 29334-2 to 17-D.
10. Properly remove and dispose AC pipes currently stored in staging yard.
11. Submit As-Built Construction Drawings.
12. Correct any and all punch list items and complete all other necessary work to file a Notice of Completion.

E&CP staff in coordination with Streets Division staff have secured the site and have taken temporary measures to fix any safety hazard on site.

On 8/21/00, Pacific Alliance ceased performing work on the site. On 8/22/00, the City met with Pacific Alliance who asked for a few days to work with their bonding company in an effort to complete the project. The City granted these few days, however, to date work has not commenced. On 8/30/00, per Section 6-4 of the Green Book, the City noticed Pacific Alliance to return to work or default proceedings would occur. The five day grace period for Pacific Alliance to return resulted in further non-responsiveness. Therefore, a letter dated 9/11/00 has been issued to Pacific Alliance with a copy to the bonding company, Continental Casualty Co.

The bonding company has requested the San Diego City Council to officially declare the contract in default prior to their stepping in and taking over the project. Therefore, a formal default is hereby being requested.

Belock/Boekamp/AP

FILE LOCATION: CONT-Pacific Alliance Contractors Inc., Sewer and Water
Main Replacement Group 637, Bid No. K-99224C

COUNCIL ACTION: (Tape location: B324-518.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S407: San Diego Goes Back to School Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-417) ADOPTED AS RESOLUTION R-293846

Proclaiming September 18, 2000 to be "San Diego Goes Back to School Day" and the City Council urges San Diego residents to join the celebration and learn more about their neighborhood schools, and encourages San Diego employers to release employees who are parents to attend San Diego Goes Back to School events.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A350-433.)

MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed by the following vote:
Mathis-yea, Wear-present, Kehoe-yea, Stevens-yea, District 5-vacant, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:55 p.m. in honor of the memory of:

Marguerite Ferrante as requested by Council Member Stallings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E170.)